

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings sets forth amendments to FIG. 1D. This sheet, which includes FIG. 1C-1G, replaces the original sheet including FIG. 1D.

### **REMARKS**

The amendment to the attorney docket number is requested to reflect the correct attorney docket number in the United States Patent and Trademark Office's records.

The Examiner required restriction between two groups of claims:

- (I) claims 1-43, drawn to an apparatus and method for introducing particles into a microdevice; and
- (II) claims 44 and 45, drawn to a microdevice.

During a telephone conversation with Examiner on 11-07-05, attorney for applicants provisionally elected Group I, claims 1-43, without traverse. Applicants affirm such election herein while expressly reserving their right under 35 USC § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

#### ***Drawings***

Examiner objected to the drawings under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Thus Examiner requires that the means for applying pressure must be shown or be cancelled from the claims.

Applicant notes that pressure applying means defined as a plunger is recited in sufficient detail in paragraph [0051] to enable applicant to include such plunger in FIG. 1D without entering new matter. The plunger is identified by the numeral 57 in amended paragraph [0051], *supra*, as well as in the amended drawing for FIG. 1D on sheet 2/6.

The amended replacement drawing includes all of the figures appearing on the immediate prior version of sheet 2/6. There was no need to amend the brief description of the drawings. The only modifications necessary appear to be those made to paragraph [0051]. The amended sheet 2/6 has been identified as "Replacement Sheet" in the top margin pursuant to 37 CFR 1.121(d).

#### ***Claim Rejections – 35 USC § 112***

Claims 1-43 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Examiner found regarding claims 1 and 27 that the term "optionally" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of

the claimed invention, i.e. it is unclear as to whether the slurry with the particles is to be considered part of the claimed combination.

Accordingly, applicant has amended claims 1 and 27 to remove the phrase "optionally" and to remove reference to the "slurry with the particles." The phrase "a slurry comprised of a plurality of particles in a carrier fluid" now appears in claim 15, which is dependent on claim 1. Claim 28, dependent on claim 27, was similarly amended.

To provide consistency in the amended claim set, it was also necessary to make non-substantive amendments in claims 5, 42 and 43.

The proposed amendments fully respond to the claim rejections under 35 USC 112 and place all examined claims in allowable form.

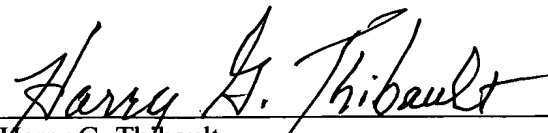
### *Conclusion*

Applicant notes that the prior art made of record, namely the Yin et al., Koeler et al., Fulwyler et al., Killeen et al., and Van de Goor et al. references, were not relied upon by Examiner. However, while not a bar to patentability, he did consider such references to be pertinent to applicant's invention

For all of the reasons set forth above, applicant submits that the pending claims define an invention that is patentable. As the application should now be in condition for allowance, a prompt indication to that effect would be appreciated. If the Examiner has any questions concerning this communication, he is welcome to contact Michael Beck at (650) 485-3864.

Respectfully submitted,

By:

  
Harry G. Thibault  
Registration No. 26,347

Michael Beck, Esq., Reg. No. 40,907  
AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, Colorado 80537-0599  
TEL: (650) 485-3864  
FAX: (650) 485-5487